

Claim 99. (currently amended) A purified nucleic acid encoding a polypeptide, wherein the polypeptide comprises a zinc finger protein that binds to a target site in a VEGF gene so as to modulate expression of the VEGF gene, thereby modulating angiogenesis, wherein
~~The nucleic acid of claim 22,~~ wherein the zinc finger protein comprises first, second and third fingers comprising segments of amino acids specified in SEQ ID NOS: 55, 247 and 68 respectively.

Claim 100. (currently amended) A vector comprising the nucleic acid of claim [[21]] 99.

REMARKS/ARGUMENTS

Before the present amendment claims 21, 22, 24, 86-89, 99 and 100 were pending. Claims 1-20, 23, 25-85 and 90-98 were withdrawn from consideration. Of the pending claims, claims 21, 22, 24, 86-89 and 100 were rejected in the final office action. Claim 99 was objected to as depending from a rejected claim but was indicated allowable if rewritten in independent form incorporating elements from the base claim and any intervening claims.

In the present amendment, claim 99 has been amended to incorporate the elements from base claim 21. The element of intervening claim 22 (zinc finger protein comprising three fingers) is already inherent in the recital of first, second and third fingers in claim 99. Thus, it is submitted that claim 99 does incorporate the elements from base and intervening claims, and is in condition for allowance. Claims 21, and 22 have been cancelled, as have all withdrawn claims. The remaining dependent claims have been amended to depend directly or indirectly from claim 99 and are allowable for at least the same reasons.

Claim 21 is cancelled because of the Examiner's decision not to enter the amendment after final, and to preserve applicants' right to pursue claims to nucleic acids encoding zinc finger proteins in different patent applications for the possibility of separate FDA-related extension of patent term for different therapeutics. The cancellation was not made for reasons related to patentability and should not be viewed as an acquiescence in any ground of

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Amendment under 37 CFR 1.116 Expedited Procedure

Examining Group

rejection. Applicants reserve the right to pursue claims of a similar scope to those cancelled herein in a related application.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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Attachments

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